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# OFFICIAL GAZETTE



## GOVERNMENT OF GOA, DAMAN AND DIU

### EXTRAORDINARY

#### GOVERNMENT OF GOA, DAMAN - AND DIU

Education Department

#### Notification

LD/4/7/84-(D)

The following Act which was passed by the Legislative Assembly of Goa, Daman and Diu on the 19th day of January, 1984 and assented to by the President of India on 1st June, 1985, is hereby republished for the general information of the public.

*B. S. Subbanna*, Under Secretary (Drafting) to the Government of Goa, Daman and Diu.

Panaji, 24th July, 1985.

#### The Goa, Daman and Diu School Education Act, 1984

(Act No. 15 1985)

AN

ACT

*to provide for better organisation and development of School Education in the Union Territory of Goa, Daman and Diu and for matters connected therewith or incidental thereto.*

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the thirty fourth Year of the Republic of India as follows:—

#### CHAPTER I

##### Preliminary

1. **Short title, extent and commencement.**— (1) This Act may be called the Goa, Daman and Diu School Education Act, 1984.

(2) It extends to the whole of the Union territory of Goa, Daman and Diu.

(3) It shall come into force on such date as the Administrator may, by notification, appoint and dif-

ferent dates may be appointed for different provisions of this Act, and any reference to the commencement of this Act, in relation to any provision thereof shall be construed as a reference to the date on which that provision comes into force.

2. **Definitions.**— In this Act, unless the context otherwise requires, —

(a) "Administrator" means the Administrator of the Union territory appointed by the President under article 239 of the Constitution;

(b) "Advisory Board" means the Board as constituted under section 24 of this Act;

(c) "aid" means any aid granted to a recognised school by the Administrator, or any other authority designated by the Administrator;

(d) "aided school" means a recognised private school which is receiving aid from the Administrator or any other authority designated by the Administrator;

(e) "appropriate authority" means the Administrator or any other officer authorised by him in this behalf;

(f) "Director" means the Director of Education, Government of Goa, Daman and Diu, and includes any other officer authorised by him to perform all or any of the functions of the Director under this Act;

(g) "employee" means a teacher and includes every other employee working in a recognised school;

(h) "existing employee" means an employee of an existing school who is employed in such a school immediately before the commencement of this Act;

(i) "existing school" means a recognised school which is in existence at the commencement of this Act;

(j) "Government" means the Government of Goa, Daman and Diu;

(k) "Head of school" means the principal academic officer, by whatever name called, of a recognised school;

(l) "local authority" means —

(i) in relation to an area within the local limits of a municipal council constituted under the Goa, Daman and Diu Municipalities Act, 1968, the municipal council concerned;

Act No. 7  
of 1969.

(ii) in relation to an area within the local limits of a village panchayat constituted under the Goa, Daman and Diu Village Panchayat Regulations, 1962, the village panchayat concerned;

Act No. 9  
of 1962.

(m) "manager" in relation to a school, means the person by whatever name called, who is entrusted, either on the date on which this Act comes into force or, as the case may be, under a scheme of management made under section 6 with the management of the affairs of that school;

(n) "managing committee" means the body of individuals which is entrusted with the management of any recognised private school;

(o) "minority school" means a school established and administered by a minority having the right to do so under clause (1) of article 30 of the Constitution;

(p) "notification" means a notification published in the Official Gazette;

(q) "prescribed" means prescribed by rules made under this Act;

(r) "private school" means a school which is not run by the Central Government, Administrator, or any other authority designated or sponsored by the Central Government or Administrator;

(s) "public examination" means an examination conducted by the Central Board of Secondary Education, Council for School Certificate Examinations or the Goa, Daman and Diu Board of Secondary and Higher Secondary Education or any other Board recognised by the Administrator or any other officer authorised by him in this behalf;

(t) "recognised school" means a school recognised by the appropriate authority;

(u) "school" includes a pre-primary, primary, middle secondary and higher secondary school, and also includes any other institution which imparts education or training below the degree level, but does not include an institution which imparts technical education;

(v) "school property" means all movable and immovable property belonging to, or in the possession of, the school and all other rights and interests, in, or arising out of, such property, and includes land, building and its appurtenances, playgrounds, hostels, furniture, books, apparatus, maps, equipment, utensils, cash, reserve funds, investments and bank balances;

(w) "teacher" includes the Head of a school;

(x) "Tribunal" means the Administrative Tribunal constituted under the Goa, Daman and Diu Administrative Tribunal Act, 1965;

Act No. 6  
of 1965.

(y) "unaided minority school" means a recognised minority school which does not receive any aid;

(z) "Union territory" means the Union territory of Goa, Daman and Diu.

## CHAPTER II

### Establishment, recognition, affiliation, management of, and aid to Schools

3. **Power of Administrator to specify the scales of pay of teachers of unaided schools.** — The Administrator shall by notification, specify the minimum scales of pay of the teachers of schools whether recognised or not.

4. **Power of Government to regulate education in schools.** — (1) The Government may regulate education in all the schools in the Union territory in accordance with the provisions of this Act and the rules made thereunder.

(2) The Government may establish and maintain any school in the Union territory or may permit any person or local authority to establish and maintain any school in the Union territory, subject to compliance with the provisions of this Act and the rules made thereunder.

(3) On and from the commencement of this Act and subject to the provisions of clause (1) of article 30 of the Constitution, the establishment of a new school or the opening of a class or section of a class or the closing down of an existing class or any section of an existing class in any existing school in the Union territory, shall be subject to the provisions of this Act and the rules made thereunder and any school or class or section established or opened otherwise than in accordance with the provisions of this Act or the rules made thereunder shall not be recognised by the appropriate authority.

5. **Recognition of schools.** — (1) The appropriate authority may, on an application made to it in the prescribed form and in the prescribed manner, recognise any school:

Provided that no school shall be recognised unless —

(a) it has such funds to ensure its financial stability which regulate payment of salaries and allowances and other benefits to its employees as prescribed;

(b) it has a scheme of management as required by section 6;

(c) it has suitable or adequate accommodation and sanitary facilities having regard, among other factors, to the number, age and sex of the pupils attending it;

(d) it provides for approved courses of study and efficient instructions;

(e) it has teachers with prescribed qualification;

(f) it has the prescribed facilities for physical education, library service, laboratory work, workshop practice and co-curricular activities; and

**27. Jurisdiction of Civil courts barred.** — No Civil Court shall have jurisdiction in respect of any matter in relation to which the Administrator or the Director or any other person authorised by the Administrator or Director or any other officer or authority appointed or specified by or under this Act, is empowered by or under this Act to exercise any power, and no injunction shall be granted by any civil court in respect of anything which is done or intended to be done by or under this Act.

**28. Protection of action taken in good faith.** — No suit, prosecution or other legal proceeding shall lie against the Administrator, Director or any other person authorised by the Administrator or Director for anything which is in good faith done or intended to be done in pursuance of this Act or any rule made thereunder.

**29. Power to make rules.** — (1) The Administrator may, subject to the condition of previous publication, by notification, make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely: —

(a) the manner in which education may be regulated by the Government in the Union territory;

(b) the conditions which every existing school shall be required to comply;

(c) establishment of a new school or the opening of a higher class or the closing down of an existing class in an existing school;

(d) the form and manner in which an application for recognition of a school shall be made;

(e) the facilities to be provided by a school to obtain recognition;

(f) the manner in which, and the authority to which an appeal against the refusal or withdrawal of recognition shall be made;

(g) the minimum qualifications for, and method of recruitment and the terms and conditions of service of employees;

(h) the authorities to be specified for the purposes of the different provisions of this Act;

(i) the particulars which a scheme of management shall contain, and the manner in which such scheme shall be made;

(j) variations and modifications which may be made in the scheme of management for a recognised school which does not receive any aid;

(k) the conditions under which aid may be granted to recognised schools, and on the violation

of which aid may be stopped, reduced or suspended;

(l) the part of the expenditure of a recognised school which is to be covered by aid;

(m) particulars of school property which should be furnished to the appropriate authority;

(n) the form in which, and the time within which, an appeal shall be preferred against an order made in relation to the transfer, mortgage or lien of any school property;

(o) the Code of Conduct for the employees and the disciplinary action to be taken for the violation thereof;

(p) the benefits which should be granted to the employees of recognised private schools;

(q) admission to a recognised school;

(r) fees and other charges which may be collected by an aided school;

(s) the manner of inspection of recognised schools;

(t) the term of office, travelling and other allowances payable to the members of the Advisory Board;

(u) financial and other returns to be filed by the managing committee of recognised private schools, and the authority by which such returns shall be audited;

(v) educational purposes for which the income derived by way of fees by recognised unaided schools shall be spent;

(w) manner of accounting and operation of schools funds and other funds of a recognised private school;

(x) fees, not exceeding one rupee, for preferring any appeal under this Act;

(y) any other matter which is to be, or may be prescribed under this Act.

**30. Power to remove difficulties.** — If any difficulty arises in giving effect to the provisions of this Act, the Government may by order not inconsistent with the provisions of this Act, remove the difficulty.

Provided that no such order shall be made after the expiry of the period of two years from the commencement of this Act.

U. D. SHARMA

Law Secretary to the Government  
of Goa, Daman and Diu  
(Legal Affairs Branch)

Secretariat,  
Panaji-Goa,

Dated: 24th July, 1985.